

## Article - Public Safety

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§13A–508.

(a) A member of a general or special court–martial may not be absent or excused after the court has been assembled for the trial of the accused unless excused:

(1) as a result of a challenge;

(2) by the military judge for physical disability or other good cause;

or

(3) by order of the convening authority for good cause.

(b) (1) Whenever a general court–martial, other than a general court–martial composed of a military judge only, is reduced below six members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than the applicable minimum number of six members.

(2) The trial may proceed with the new members present after the recorded evidence previously introduced before the members of the court has been read to the court in the presence of the military judge, the accused, and counsel for both sides.

(c) (1) Whenever a special court–martial, other than a special court–martial composed of a military judge only, is reduced below four members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than four members.

(2) The trial shall proceed with the new members present as if no evidence had been introduced previously at the trial, unless a verbatim record of the evidence previously introduced before the members of the court or a stipulation thereof is read to the court in the presence of the military judge, the accused, and counsel for both sides.

(d) If the military judge of a court–martial composed of a military judge only is unable to proceed with the trial because of physical disability, as a result of a challenge, or for other good cause, the trial shall proceed, subject to any applicable conditions of § 13A–401 of this title, after the detail of a new military judge as if no evidence had previously been introduced, unless a verbatim record of the evidence previously introduced or a stipulation thereof is read in court in the presence of the new military judge, the accused, and counsel for both sides.

(e) In addition to members, the military judge shall impanel alternate members, if the convening authority authorizes alternate members.

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